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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING ON USACM
TRUST'S MOTION TO ALLOW
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE AMESBURY
HATTERS POINT LOAN**

**Date of Hearing: September 30, 2011
Time of Hearing: 9:30 a.m.
Estimated Time for hearing: 10 min.**

**THE USACM LIQUIDATING TRUST FILED A MOTION TO ALLOW
PROOFS OF CLAIM BASED UPON INVESTMENT IN THE AMESBURY
HATTERS POINT LOAN. THIS MOTION WILL NOT IMPACT YOUR CLAIM
TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A DIFFERENT
LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN
HINDERAKER (520-629-4430).**

1 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
2 through its counsel, has filed its Motion to Allow Proofs of Claim Based Upon Investment
3 in the Amesbury Hatters Point Loan (with Certificate of Service) (the “Motion”). Your
4 Proof of Claim number and other information regarding your claim is provided in **Exhibit**
5 **A**, attached to the Motion. The USACM Liquidating Trust has requested that this Court
6 enter an order, pursuant to section 502 of title 11 of the United States Code (the
7 “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the
8 “Bankruptcy Rules”), allowing your Proof of Claim as an unsecured non-priority claim to
9 the extent it is based upon an investment in the Amesbury Hatters Point Loan. The
10 Motion will not impact your Claim to the extent it is based upon an investment in a
11 different loan.

12 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held
13 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
14 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
15 **September 30, 2011, at the hour of 9:30 a.m.**

16 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
17 **SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**
18 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
19 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

20 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
21 response to the motion must be filed and service must be completed no later than **fourteen**
22 **(14) days** preceding the hearing date. The opposition must set forth all relevant facts and
23 any relevant legal authority.

1 If you object to the relief requested, you *must* file a **WRITTEN** response to this
2 pleading with the Court. You *must* also serve your written response on the person who
3 sent you this notice.

4 If you do not file a written response with the Court, or if you do not serve your
5 written response on the person who sent you this notice, then:

- 6 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 7 • The Court may *rule against you* without formally calling the matter at the
8 hearing.

9 Dated: August 11, 2011

LEWIS AND ROCA LLP

11 By /s/John Hinderaker (AZ 18024)

12 Robert M. Charles, Jr., NV 6593

13 John Hinderaker, AZ 18024 (*pro hac vice*)

14 Marvin Ruth, NV 10979

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15 E-mail: JHinderaker@lrlaw.com

Attorneys for the USACM Liquidating Trust

16 Copy of the foregoing and pertinent
17 portion of Exhibits mailed by first
18 class postage prepaid U.S. Mail on
19 August 11, 2011 to all parties listed on
20 Exhibit A attached.

LEWIS AND ROCA LLP

21 /s/ Matt Burns

22 Matt Burns, Paralegal